



DEPARTMENT OF PERSONNEL

ADMINISTRATIVE REGULATION NO. 122

LEAVES OF ABSENCE AND

FITNESS FOR DUTY EVALUATIONS

Revised & Reissued: January 21, 2020

I. PURPOSE

The purpose of this regulation is to provide guidance to departments/divisions for establishing a policy for granting general leaves of absence and to also provide guidance for requesting Fitness for Duty Evaluations. See Department of Personnel Administrative Regulation No. 133 and the compensation ordinance for questions regarding Family and Medical Leave.

II. GENERAL LEAVES OF ABSENCE

The compensation ordinance provides that an appointing authority, with the approval of the Director of Personnel, may grant an employee in the competitive service a general leave of absence without pay for a period of one year, which may be extended, with the prior approval of the Director of Personnel.

A. Establishment of a General Leave of Absence Policy

Appointing authorities are encouraged to develop and distribute a written policy on the granting of general leaves of absence, taking into consideration the function of the department/division and the nature of duties performed by employees. Because of the varied nature of jobs in and services provided by City departments/divisions, the policy may vary by department/division. The most important aspects of any such policy are to ensure that the needs of the department/division are met and to ensure that the same criteria are used to determine the merits of each request submitted within the department/division. In the absence of such written policy, it is difficult to ensure that all employees are treated fairly and consistently.

The Department of Personnel is available to assist departments/divisions in the development of a general leave of absence policy.

B. Components of a General Leave of Absence Policy

Each City department/division may adopt its own standards for awarding general leaves of absence. However, each general leave of absence policy should include the following components:

1. Require that the employee submit a written request to the appointing authority detailing the reason for the request, the duration of the leave requested, secondary

employment participation and any other pertinent information requested by the appointing authority. If approved, the appointing authority shall send a copy of the employee's letter of request, a copy of the appointing authority's letter of approval and the Employee Status Form implementing the leave of absence to the Personnel Services Section of the Department of Personnel for review and approval by the Director of Personnel.

2. Establish standards for evaluating general leave requests, including: maximum duration for leave, the persons who will evaluate the leave request, work performance standards, business hardship considerations and any other relevant factors. Also include a requirement for a timely, written response to the employee. Be sure to apply such standards consistently to all employees. Be advised that a leave of absence may be a reasonable accommodation under Americans with Disabilities Act (ADA) if it enables an employee with a disability to return to duty within a reasonable period of time. If the request for leave appears to involve a disability, the appointing authority should confer with the Commissioner on the Disabled, as well as with the Director of Personnel, prior to responding to the request. Further, if appropriate, in lieu of a general leave of absence, the employee may be offered a temporary light duty assignment under Joint Regulation No. 7.

3. Inform the employee that he/she must return on the approved ending date or they will be scheduled for a pre-termination review. Also, inform the employee that the general leave may be canceled, with the approval of the Director of Personnel, and that the employee must then return within ten (10) calendar days of notice.

4. Inform the employee that all accrued vacation must be taken prior to being placed on leave without pay.

5. Inform the employee that vacation, sick leave and medical leave will not accrue during the non-paid portion of the general leave. Advise employees to consult with the Employee Benefits Section of the Department of Personnel to make arrangements for continuing their health care coverage.

6. Assure the employees that they will be returned to the position occupied at the time of leave, at the same relative pay rate, provided they can perform the essential functions of the position and the position is still authorized in the table of organization for the department/division.

7. If the general leave of absence is for medical reason, the employee must present a completed Certification of Health Care Provider Form for General Medical Leave of Absence. (A copy of the form is attached to the regulation.)

III. FITNESS FOR DUTY EVALUATIONS

Employees must be able to perform the essential functions of their positions in a safe and productive manner, so as to not present a safety hazard to themselves, co-workers or the community. The following addresses Fitness for Duty Evaluations.

A. An appointing authority or his/her designee may request the Director of Personnel to authorize a Fitness for Duty Evaluation of an employee to determine if an employee is able to

perform the essential functions of his/her position. Said request must be in writing and specify the basis for the request (i.e. actions of the employee or observations of the employee's performance or behaviors that indicate the employee may be unable to perform the essential functions of his/her position).

A Fitness for Duty Evaluation is not a substitute for progressive disciplinary action to address deficiencies in an employee's performance of his/her duties.

B. If approved by the Director of Personnel, the employee will be informed in writing by the appointing authority of the need for a mandatory Fitness for Duty Evaluation. The employee may be given other temporary job assignments (for safety reasons) without loss of pay until the Fitness for Duty Evaluation is completed. An employee who fails to cooperate with a Fitness for Duty Evaluation will be subject to disciplinary action up to and including dismissal.

C. The Department of Personnel will coordinate all Fitness for Duty Evaluations with the designated Health Care Provider. Each written request will be accompanied by written approval of the Director of Personnel as well as a job description and details of the essential functions of the position.

D. The Health Care Provider will inform the Department of Personnel and the appointing authority of the employee of the appointment date and time for the Fitness for Duty Evaluation. The appointing authority shall notify the employee of the appointment date and time.

E. All records of meetings with an employee, Fitness for Duty Evaluation requests and results shall not be maintained in the employee's personnel file but should be maintained in a separate file.

F. The results of the Fitness for Duty Evaluation will be provided to the appointing authority within thirty (30) calendar days of the evaluation. A determination will be made as to the employee's ability to perform the essential functions of his/her position. If it is determined that the employee is unable to perform the essential functions of his/her position, the appointing authority should review the provisions of Joint Regulation No. 2, Department of Personnel Administrative Regulation No. 133 and Department of Personnel Administrative Regulation No. 117 to determine applicability of these regulations and take action accordingly.

Questions concerning this administrative regulation should be referred to the Personnel Services Section of the Department of Personnel at 622-3567.

DEPARTMENT OF PERSONNEL

Richard R. Frank
Director of Personnel

Attachment